

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Jose F. Caragol
Council Vice President



Council Members
Katherine Cue-Fuente
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Summary Agenda/Minutes January 9, 2018 7:00 P.M.

Call to Order - **Council President Casáls-Muñoz called the meeting to order at 7:22 p.m.**

Roll Call- **Marbelys Fatjo, City Clerk, called the roll with the following Council Members present:**

- Council President Vivian Casáls-Muñoz
- Councilman Vice President Jose Caragol
- Councilwoman Isis Garcia-Martinez
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano
- Councilman Carl Zogby

• **Members absent:**

- Councilwoman Katharine Cue-Fuente

• **Also present were:**

- Mayor Carlos Hernandez
- Lorena Bravo, City Attorney

Invocation- **The invocation was led by Marbelys Fatjo, City Clerk.**

Pledge of Allegiance- **The Pledge of Allegiance was led by Councilwoman Lozano.**

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.

- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by Marbelys Fatjo, City Clerk in English, and by Brigette Leal, Office of the City Clerk, in Spanish.

PRESENTATIONS-

REPORT: NONE

1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

REPORT: The following was announced by Marbelys Fatjo, City Clerk:

- **The proposed resolution for Consent Item C has been updated and placed on the dais for your review.**
- **Additional backup documentation, which includes a boundary survey, has been added to Administrative Item 3B.**

2. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Motion to Approve the Consent Agenda made by Councilwoman Garcia-Martinez, and seconded by Council Vice President Caragol. Motion passed 6-0-1 with Councilmember Cue-Fuente absent.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on December 12, 2017. (OFFICE OF THE CITY CLERK)
APPROVED 6-0-1 with Councilmember Cue-Fuente absent.
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and add security cameras and CCTV high definition system to the scope of work of Hialeah Bid No. 2016/17-3230-00-014 - *Don Quijote Plaza - Electrical and Site Lightning*, awarded by the City Council on September 18, 2017 to G. & R. Electric Corp., by an additional expense amount of \$7,760, for a new total cumulative expense amount not to exceed \$90,260. (CONSTRUCTION AND MAINTNANCE DEPT.)
APPROVED 6-0-1 with Councilmember Cue-Fuente absent.

- C. Proposed resolution urging the Board of Commissioners of Miami Dade County to co-designate a portion of East 4th Avenue, from East 25 Street to East 32 Street, Hialeah, Florida, as “John J. Brunetti, Sr. Avenue”, as a distinguished business leader in our community and for his lifetime commitment to the continued enhancement and preservation of the landmark Hialeah Park in recognition of the park’s prominence in the City of Hialeah; providing for an effective date. (ADMINISTRATION)

APPROVED 6-0-1 with Councilmember Cue-Fuente absent.

RESOLUTION NO. 2018-001.

- D. Report of Scrivener’s Error - On June 14th 2016, Ordinance No. 2016-36 was passed and adopted, for a Special Use Permit to allow development on vacant land of a mixed-use building. On Page 2 of the ordinance, in the legal description of the property, lot 21 was omitted as follows: LOTS 4, 5, 6, 7, 8, 18, 19, 20 AND 22 OF BLOCK 5, OF “TOWN OF HIALEAH”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

The approved ordinance is being amended to provide for the correct legal description that includes lot 21 as follows: *LOTS 4, 5, 6, 7, 8, 18, 19, 20, 21 AND 22 OF BLOCK 5, OF “TOWN OF HIALEAH” ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 77, OF PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA.* (LAW DEPT.)

APPROVED 6-0-1 with Councilmember Cue-Fuente absent.

- E. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties, Bid # FSA17-VEL25.0 - Small Size 4-Door Utility Vehicles - 4X2, Specification #25, and issue a purchase order to AN Motors of Pembroke, LLC d/b/a Autonation Chevrolet Pembroke Pines, to purchase one (1) 2018 Chevrolet Equinox, in a total cumulative amount not to exceed \$20,038. (PLANNING & ZONING DIV.)

APPROVED 6-0-1 with Councilmember Cue-Fuente absent.

- F. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a mutual aid agreement with the City of North Miami Beach as a participating municipal police department to provide for the requesting and rendering of assistance for routine and intensive law enforcement situations from the effective date of the agreement through January 30, 2023 attached thereto as Exhibit (1). (POLICE DEPT.)

APPROVED 6-0-1 with Councilmember Cue-Fuente absent.

RESOLUTION NO. 2018-002.

3. ADMINISTRATIVE ITEMS

- 3A. Second reading and public hearing of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and the University of Florida and Miami-Dade County, Florida, as tenants, for use of 1,559 square feet of office space, rooms 113 through 120, and a conference room at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on December 1, 2017 and ending on November 30, 2018, for an annual amount of \$21,936.76 payable in equal monthly rental payments, in the lease form as attached hereto as Exhibit “1”, with two successive annual renewals; providing penalties for violation hereof; providing for a

severability clause and providing for an effective date. (PURCHASING DIV.)

APPROVED 6-0-1 with Councilmember Cue-Fuente absent.
ORDINANCE NO. 2018-001.

Item was approved by the City Council on first reading on December 12, 2017.

REPORT: Motion to Approve Item 3A made by Councilwoman Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilmember Cue-Fuente absent.

3B. First reading of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to enter into a ground lease with CCATT LLC., a Delaware limited liability company, to lease a site located at McDonald Park, 1185 West 74th Street, Hialeah, Florida for the continued use of a monopole wireless communications tower for a term of five years, beginning on the commencement date of the lease term of November 20, 2017 and ending five years thereafter, with four consecutive optional renewal terms of five years, for an annual base rent of \$55,000 with an annual increase of 5% each year, 30% of any collocator rent, but not less than \$850 per month, a capital contribution of \$15,000, together with such rights and duties as more fully described in the ground lease, a copy of which is attached hereto and made a part hereof as Exhibit "1"; and granting a non-exclusive easement for ingress, egress in connection with the operation of the communications tower; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION) **APPROVED 6-0-1 with Councilmember Cue-Fuente absent.**

REPORT: Motion to Approve Item 3B made by Councilwoman Garcia-Martinez, and seconded by Council Vice President Caragol. Motion passed 6-0-1 with Councilmember Cue-Fuente absent. Second reading and public hearing is scheduled for January 23, 2018.

4. BOARD APPOINTMENTS

4A. Proposed resolution re-appointing **Jonathan Martinez** to the Board of Trustees of the Employees Retirement System as the Management appointment, for a two (2)-year term ending on December 31, 2019. (MANAGEMENT)
APPROVED 6-0-1 with Councilmember Cue-Fuente absent.
RESOLUTION NO. 2018-003.

REPORT: Motion to Approve Item 4A made by Council Vice President Caragol, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilmember Cue-Fuente absent.

5. UNFINISHED BUSINESS

REPORT: NONE

6. NEW BUSINESS

REPORT: NONE

7. COMMENTS AND QUESTIONS

- **Councilman Hernandez spoke on the topic of Assisted Living Facilities.**
- **Mayor Hernandez reminded all of the Three Kings Parade on Sunday, January 14, 2018 at 10:30 am.**

ZONING

REPORT: All were duly sworn in.

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. First reading of proposed ordinance closing, vacating and abandoning for public use the western portion of the 12 foot alley running east and west, between East 8th Avenue and East 9th Avenue, extending eastward approximately 235.54 feet, more or less, from East 8th Avenue, Hialeah, Florida; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Abreu Development, LLC, 2375 N.W. 70th Avenue, B-4, Miami, Florida 33122*)

APPROVED 6-0-1 with Councilmember Cue-Fuente absent.

Item was approved on first reading by the City Council on November 28, 2017. Second reading and public hearing was scheduled for December 12, 2017. On December 12, 2017 the item was tabled until January 9, 2018. Item will be reheard on first reading on January 9, 2018 due to the need to re-advertise changes made to the proposed ordinance.

Item was approved by the Planning and Zoning Board on November 15, 2017.

Planner's Recommendation: Approval

REPORT: Motion to Approve Item PZ 1 made by Councilman Hernandez, and seconded by Council Vice President Caragol. Motion passed 6-0-1 with Councilmember Cue-Fuente absent. Second reading and public hearing is scheduled for January 23, 2018.

PZ 2. First reading of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District). **Property zoned R-1 located at 520-530 West 78th Street, Hialeah,**

Florida. Repealing all ordinances in conflict herewith, providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Javier L. Vazquez Esq., 1450 Brickell Avenue, 19th Floor, Miami, FL 33131, on behalf of the property owner*)

APPROVED 5-1-1 with Council President Casáls-Muñoz voting “No” and Councilmember Cue-Fuente absent.

<i>Item was approved by the Planning & Zoning Board on December 13, 2017.</i>
<i>Planner’s Recommendation: Approval</i>
<i>Owner of the Property: Cristo Vive, 520 West 78th Street, Hialeah, FL 33014 & 530 West 78th Street, Hialeah. FL. 33014</i>

REPORT: Motion to Approve Item PZ 2 made by Councilwoman Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 5-1-1 with Council President Casáls-Muñoz voting “No” and Councilmember Cue-Fuente absent. Second reading and public hearing is scheduled for January 23, 2018.

PZ 3. First reading of proposed ordinance rezoning property from R-1(One Family District) to R-2 (One and Two Family Residential District); and granting a variance permit to allow for the replatting of the property into two substandard lots: the corner lot with a frontage of approximately 39.75 feet, where 75 feet are required; a total area of approximately 4,265 square feet, where 7,500 square feet are required, lot coverage of 32% where 30% is the maximum allowed; 14.16 feet street side setback, where 15 feet are required; no interior east side setback; where 7.5 feet is the minimum required; and for the interior lot allow a total area of approximately 4,265 square feet, where 7,500 square feet are required; 41% where 30% is the maximum allowed; no interior west side setback for interior lot, where 7.5 feet are required, interior east side setback of 5 feet 1 inch, where 7.5 feet are required; interior lot frontage of approximately 31 feet, where 75 feet are required; and allow a temporary waiver of plat provided final plat approval is obtained in 18 months, all contra to Hialeah Code of Ordinances §§ 98-544, 98-546, and 98-2056(b)(2); and Hialeah Development Code § 10-4(c). **Property located at 808 East 32 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: EFG 808, LLC, 6619 South Dixie Hwy, #231, Miami, Florida 33143*) **APPROVED 6-0-1 with Councilmember Cue-Fuente absent.**

<i>Item was approved subject to Declaration of Restrictions by the Planning and Zoning Board on December 13th, 2017.</i>
<i>Planner’s Recommendation: Approval subject to Declaration of Restrictions</i>
<i>Owners of the Property: Orlando Cordoves, 808 East 32nd Street. Hialeah, FL. 33143</i>

REPORT: Motion to Approve Item PZ 3 made by Councilwoman Garcia-Martinez, and seconded by Council Vice President Caragol. Motion passed 6-0-1 with Councilmember Cue-Fuente absent. Second reading and public hearing is scheduled for January 23, 2018.

PZ 4. First reading of proposed ordinance granting variance permit on a substandard lot to

allow the construction of a new single family residence having a lot area of 5,400 square feet, where 7,500 feet are required; a frontage of 40 feet, where 75 feet are required; all contra to Hialeah Code of Ordinances §§ 98-499 and 98-502; property zoned R-1 (One Family District). **Property located at 51 East 60 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Orlando Ceballos 1015 Bluebird Avenue, Miami Springs, FL 33166*)

APPROVED 6-0-1 with Councilmember Cue-Fuente absent.

<i>Item was approved with conditions by the Planning and Zoning Board on December 13th, 2017.</i>
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<i>Planner's Recommendation: Approval with condition that the construction of the new house gets completed within 18 months.</i>
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<i>Owners of the Property: Orlando Ceballos 1015 Bluebird Avenue, Miami Springs, FL 33166</i>

REPORT: Motion to Approve Item PZ 4 made by Councilwoman Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilmember Cue-Fuente absent. Second reading and public hearing is scheduled for January 23, 2018.

PZ 5. First reading of proposed ordinance granting a variance permit on a substandard lot to allow construction of a single family residence having a lot area of 5,392 square feet, where 7,500 feet are required; a frontage of 40 feet, where 75 feet are required; all contra to Hialeah Code of Ordinances §§ 98-499; property zoned R-1 (One Family District). **Property located at 53 East 60 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Izaguirre, 53 East 60th Street, Hialeah, FL 33013*) **APPROVED 6-0-1 with Councilmember Cue-Fuente absent.**

<i>Item was approved by the Planning and Zoning Board on December 13, 2017.</i>

<i>Planner's Recommendation: Approval</i>

<i>Owner of the Property: Alejandro Izaguirre, 53 East 60th Street, Hialeah, FL 33013</i>
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REPORT: Motion to Approve Item PZ 5 made by Councilman Hernandez, and seconded by Councilwoman Garcia-Martinez. Motion passed 6-0-1 with Councilmember Cue-Fuente absent. Second reading and public hearing is scheduled for January 23, 2018.

PZ 6. First reading of proposed ordinance granting variance permit to allow front setback of 5 feet where 10 feet is required; allow 100% of the units to have less than 850 square feet where 850 square feet is required; allow a 13.5% pervious area, where 30% is required and allow 13 parking spaces, where 34 parking spaces are required, to allow the construction of a mixed use building; all contra to Hialeah Code of Ordinances §§ 98-1630(e)(1), 98-1630.2, 98-2056(b)(1) and 98-2189(16)(a) and (b); property zoned C-1 (Commercial) within area 1 of the Neighborhood Business District. **Property located at 4260 Palm Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A 16400 NW 59th Avenue, 2nd Floor, on behalf of the property owner*) **APPROVED 6-0-1 with**

Councilmember Cue-Fuente absent.

Item was approved with conditions by the Planning and Zoning Board on December 13, 2017.

Planner's Recommendation: Approval subject to alternative parking arrangement.

Registered Lobbyist: Alejandro Vilarello, Esq., 16400 NW 59 Avenue, 2nd Floor, Miami Lakes, Florida 33014

Owner of the Property: 4260 Palm Ave, LLC

REPORT: Renderings were provided to the City Council by the applicant's representative.

REPORT: Motion to Approve Item PZ 6 made by Councilwoman Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilmember Cue-Fuente absent. Second reading and public hearing is scheduled for January 23, 2018.

PZ 7. First reading of proposed ordinance granting a variance permit to allow a previous area of 24 percent, where 30 percent is required, allow a dumpster enclosure to be located 5 feet from the street's right-of-way, where 10 feet is required, and waive a portion of the City of Hialeah Landscape Manual requirements updated July 9, 2015 to allow a landscape buffer of 5feet, where 7 feet are required, all contra to Hialeah Code of Ordinances §§98-2056(b)(1) and 78-104(c)(1); **Property located at 336 East 6th Street, Hialeah, Florida;** property zoned R-3-D (Multifamily District). Providing penalties for violation hereof; providing for a severability clause; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A 16400 NW 59th Avenue, 2nd Floor, Miami Lakes, FL 33134, on behalf of Blue Horsebit 1, LLC*) **APPROVED 6-0-1 with Councilmember Cue-Fuente absent.**

Item was approved with conditions by the Planning and Zoning Board on December 13th, 2017.

Planner's Recommendation: Approval with conditions.

Owner of the Property: Blue Horsebit 1, LLC

REPORT: Motion to Approve Item PZ 7 made by Councilwoman Garcia-Martinez, and seconded by Council Vice President Caragol. Motion passed 6-0-1 with Councilmember Cue-Fuente absent. Second reading and public hearing is scheduled for January 23, 2018.

PZ 8. First reading of proposed ordinance granting a variance permit to allow a temporary waiver of plat provided final plat approval is obtained in 18 months, pursuant to Hialeah Land Development Code § 10-4(c); property zoned BDH (Business Development District). **Property located at 3651 West 108 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (*Applicant: Michael Osman, 1474- A West 84th Street, Hialeah, FL 33014*) **APPROVED 6-0-1 with Councilmember Cue-Fuente absent.**

Item was approved by the Planning and Zoning Board on December 13th, 2017.

<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: SFACS Real Estate, LLC, 18305 N.W 75th Place, Hialeah, FL. 33015.</i>

REPORT: Motion to Approve Item PZ 8 made by Council Vice President Caragol, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilmember Cue-Fuente absent. Second reading and public hearing is scheduled for January 23, 2018.

REPORT: Meeting was adjourned by Council President Casáls-Muñoz at 7:45 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, January 23, 2018 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 27, 2018 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at
(305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).